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## [Comprehensive Plan] Form submission from: Comprehensive Plan and Transportation System Plan - Board of County Commissioners Comment Form

Multnomah County <webmaster@multco.us>  
To: compplan@multco.us

Fri, Aug 5, 2016 at 2:13 PM

Submitted on Friday, August 5, 2016 - 2:13pm  
Submitted values are:

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Comments:  
Commissioners:

Oregonians In Action (01A) has two concerns with the proposed Comprehensive Plan update. First, it appears that the County is attempting to re-adopt the rural reserves which the County has originally adopted in 2010, but which were invalidated by the Oregon Court of Appeals in 2014. The proposed Comp Plan update includes a map of the County's rural reserves as Figure 1-3. This appears to be a map of the 2010 reserves. In Policy 2.4(1) (pg. 2-10), the Comp Plan states:

"Areas shown as rural reserve on the County plan and zone map shall be designated and maintained as rural reserves to protect agricultural land, forest land, and important landscape features."

Although we recognize that the County has authority to designate rural reserves, your authority is limited by statute, LCDC administrative rule, and the intergovernmental agreement which the County signed with Metro in March, 2010. In addition, the County has yet to follow the requirements set out by the Court of Appeals and LCDC on remand. Unless and until the County complies with the state requirements, the remand requirements, and its obligations under the IGA with Metro, the County cannot designate rural reserves, and your efforts to do so in this proposed Comp Plan amendment must fail.

One way to remedy this situation would be to simply remove the map included as Figure 1-3 from the proposed amendments. If at some point the County is able to follow through with its procedural obligations and amend the Comp Plan to designate rural reserves, there is nothing wrong with the language set out in Policy 2.4(1). But you cannot adopt reserves maps at this time.

The second concern we have is with Policy 5.47. There is no need for the County to include language in the Comprehensive Plan that requires it to "consider" expansion of the SEC-v overlay zone to the west slope of the West Hills area. If the County wants to amend its Goal 5 scenic views inventory, you are certainly free to do so, provided you comply with all the procedural requirements for a post-acknowledgment plan amendment, and are willing to process and litigate all of the Measure 49 claims that will follow from property owners who are now limited in the use and enjoyment of their homes as a result of the many new requirements that follow from inclusion of their property in the scenic view overlay zone. However, it is of no use to adopt a policy that requires the County to consider Goal 5 amendments. If the Board decides to do so at some point in the future, you are free to do so - you don't need language in your Comp Plan that requires you to do so, particularly since the language is not specific enough to bind you to any type of process or any level of review should you undertake the task. Why clutter the Comp Plan with unnecessary policies?

Please enter these comments in the record.

Dave Hunnicutt  
President  
Oregonians In Action

The results of this submission may be viewed at:

<https://multco.us/node/28556/submission/61116>

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